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JUN 21 2005

## THE WEBB LAW FIRM

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FACSIMILE INFORMATION SHEETRESPONSE UNDER 37 C.F.R §1.116  
EXPEDITED PROCEDURE  
GROUP ART UNIT 1617Name of Individual: MAIL STOP AF  
Commissioner for PatentsCompany: United States Patent and Trademark Office  
City and State: Alexandria, VA

Facsimile Number: 703-872-9306

From: Ann M. Cannoni, Esquire

Total Number of Pages: 10

Date Transmitted: June 21, 2005

CV01378K US

Client No.: 4686

File No.: 048002

## Message:

Application No. 10/057,534

Inventors: Harry R. Davis

Filed: January 25, 2002

Title: COMBINATIONS OF BILE ACID SEQUESTRANT(S) AND STEROL ABSORPTION  
INHIBITOR(S) AND TREATMENTS FOR VASCULAR INDICATIONS

Transmittal Form (1p)

Fee Transmittal 1p. (2x)

Notice of Appeal (2pp)(3x)

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**JUN 21 2005**

PTO/SB/21 (04-04)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE


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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/057,534	
	Filing Date	January 25, 2002	
	First Named Inventor	Harry R. Davis	
	Art Unit	1617	
	Examiner Name	Shengjun Wang	
Total Number of Pages in This Submission	9	Attorney Docket Number	CV01378K US - 4686-048002

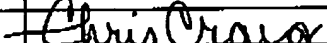
**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication To Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below)
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Ann M. Cannoni The Webb Law Firm
Signature	
Date	June 21, 2005

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Chris Craig	Date	06/21/2005
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818)**FEE TRANSMITTAL  
For FY 2005****Complete if Known**☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 500.00

Application Number	10/057,534
Filing Date	January 25, 2002
First Named Inventor	Harry R. Davis et al.
Examiner Name	Shengjun Wang
Art Unit	1617
Attorney Docket No.	CV01378K US/4686-048002

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 23-0650 Deposit Account Name The Webb Law Firm

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s)  
Under 37 CFR 1.16 and 1.17☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

Multiple dependent claims

	Small Entity	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>
- 20 or HP =	x	=		<b>Fee (\$)</b> <b>Fee Paid (\$)</b>
HP = highest number of total claims paid for, if greater than 20				
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	
- 3 or HP =	x	=		
HP = highest number of independent claims paid for, if greater than 3				

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
- 100 =	/ 50 =	(round up to a whole number)	x	=

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other: Notice of Appeal \$500.00

<b>Fee Paid (\$)</b>
500.00

**SUBMITTED BY**

Signature		Registration No. 35,972 (Attorney/Agent)	Telephone 412-471-8815
Name (Print/Type)	Ann M. Cannoni	Date	June 21, 2004

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Group Art Unit 1617

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Application No. 10/057,534  
Paper Dated: June 21, 2005  
Attorney Docket No. CV01378K US/4686-048002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/057,534  
Inventors : Harry R. DAVIS, et al.  
Filed : January 25, 2002  
Title : COMBINATIONS OF BILE ACID  
SEQUESTANT(S) AND STEROL ABSORPTION  
INHIBITOR(S) AND TREATMENTS FOR  
VASCULAR INDICATIONS  
Group Art Unit : 1617  
Examiner : Shengjun Wang  
Customer No. : 28289  
06/21/2005 TL0111 00000017 230650 10057534  
01 FC:1401 500.00 DA

FACSMILE NO. 703-872-9306  
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P. O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated March 24, 2005 of the Primary Examiner finally rejecting claims 1-3, 5-28, 31-36, 70-72, 74-77, 79 and 80.

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Chris Craig

Typed Name of Person Signing Certificate

**Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Group Art Unit 1617**

Application No. 10/057,534  
Paper Dated: June 21, 2005  
Attorney Docket No. CV01378K US/4686-048002

The Commissioner for Patents is hereby authorized to charge any fees which may be required to Deposit Account No. 23-0650 or credit any overpayment to Deposit Account No. 23-0650. The original and two copies of this Notice of Appeal are attached.

Respectfully submitted,

THE WEBB LAW FIRM

By



Ann M. Cannoni  
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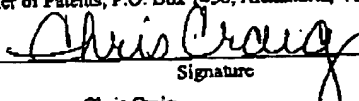
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